

**ENTERED**

May 23, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

MAGIN LUIS CABALLERO, §  
§  
Plaintiff. §  
§  
V. § CIVIL ACTION NO. 4:23-CV-03255  
§  
UNITED STATES OF AMERICA, §  
§  
Defendant. §

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On May 3, 2024, Defendant's Motion to Dismiss or Alternatively, Motion to Transfer Venue (Dkt. 19) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 23. Judge Edison filed a Memorandum and Recommendation on May 7, 2024, recommending the Motion to Dismiss be **DENIED**, but the Motion to Transfer be **GRANTED**, and this matter transferred to the United States District Court for the Middle District of Florida where venue is proper. Dkt. 24.

No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 24) is **APPROVED** and **ADOPTED** in its entirety as the holding of the Court; and

- (2) Defendant's Motion to Dismiss (Dkt. 19) is **DENIED**; and
- (3) Defendant's Motion to Transfer (*id.*) is **GRANTED**; and
- (4) This matter is transferred to the United States District Court for the Middle District of Florida where venue is proper.

It is so **ORDERED**.

SIGNED at Houston, Texas on May 23, 2024.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE